

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CURTIS MITCHELL,)	
Petitioner,)	
)	
v.)	C.A. No. 04-10539-RGS
)	
SUPERINTENDENT LYNN)	
BISSONETTE, et al.,)	
Respondents.)	

MEMORANDUM AND ORDER

On March 15, 2004, petitioner Curtis Mitchell, through counsel, filed a Section 2254 habeas petition, supporting memorandum and motion for leave to file motion to proceed in forma pauperis late. The \$5.00 filing fee was paid at that time.

A party filing a Section 2254 habeas corpus petition must either (1) pay the \$5.00 filing fee for habeas corpus actions or (2) file an application to proceed without prepayment of fees on the form required by this Court. See 28 U.S.C. § 1914(a); 28 U.S.C. § 1915 (proceedings in forma pauperis).

Here, appointed counsel¹ paid the \$5.00 filing fee. Because it may be necessary for petitioner to establish his financial status concerning future expenses, petitioner seeks leave to file a motion to proceed in forma pauperis at some

¹Although the motion describes attorney Leslie O'Brien as "appointed counsel," the Court notes that counsel has not been appointed by this Court under the Criminal Justice Act, 18 U.S.C. § 3006A(g).

future time.

Based upon the foregoing,

IT IS ORDERED that petitioner's Motion for Leave to File Motion to Proceed In Forma Pauperis Late (Docket No. 1) is GRANTED.

SO ORDERED.

Dated at Boston, Massachusetts, this 19th day of March, 2004.

/s/ Richard G. Stearns

RICHARD G. STEARNS
UNITED STATES DISTRICT JUDGE